

EXHIBIT A

Office Action of
October 12, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/896,897	06/30/2001	Elazar Rabani	Enz-60

CONFIRMATION NO. 1538

FORMALITIES LETTER



OC00000006898932

ENZO BIOCHEM, INC.
527 Madison Avenue, 9th Floor
New York, NY 10022

Date Mailed: 10/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$21430.
 - \$17640 for 980 total claims over 20.
 - \$3520 for 44 independent claims over 3.
 - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 22270.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

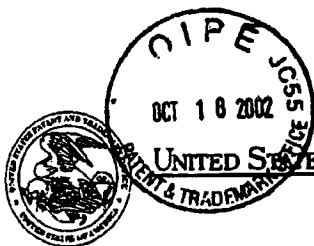

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

EXHIBIT B

Notice of Abandonment
of September 19, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/896,897	06/30/2001	Elazar Rabani	Enz-60

ENZO BIOCHEM, INC.
527 Madison Avenue, 9th Floor
New York, NY 10022

CONFIRMATION NO. 1538

**ABANDONMENT/TERMINATION
LETTER**



OC000000008817313

Date Mailed: 09/19/2002

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/12/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

OCT 22 2002

OFFICE OF PETITIONS

EXHIBIT C

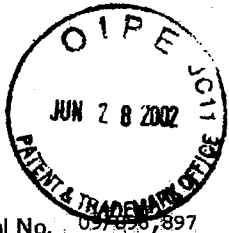
Petition to Revive an
Unintentionally Abandoned
Application under 37 CFR
1.137(b)

Please date stamp and return to addressee.

APPLICANT: ELAZAR RABBANI ET AL.		<input checked="" type="checkbox"/> Express Mail Label No. EL831284088US
TITLE: NOVEL COMPOSITIONS AND PROCESSES FOR ANALYTE DETECTION, QUANTIFICATION AND AMPLIFICATION		<input type="checkbox"/> First Class Mailing Date
ENCLOSED ARE: <input type="checkbox"/> Application <input checked="" type="checkbox"/> Declaration <input checked="" type="checkbox"/> Drawings (FORMAL) <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Response to OA <input type="checkbox"/> Amendment <input type="checkbox"/> Issue Fee <input checked="" type="checkbox"/> Other (see below)		DATE MAILED: JUNE 28, 2002
<input checked="" type="checkbox"/> PETITION UNDER 37 CFR §1.137(b) TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION		Serial No. 09/896,897
<input type="checkbox"/>		Docket No. ENZ-60
<input type="checkbox"/>		

Please date stamp and return to addressee.

APPLICANT: ELAZAR RABBANI ET AL.		<input checked="" type="checkbox"/> Express Mail Label No. EL831284088US
TITLE: NOVEL COMPOSITIONS AND PROCESSES FOR ANALYTE DETECTION, QUANTIFICATION AND AMPLIFICATION		<input type="checkbox"/> First Class Mailing Date
ENCLOSED ARE: <input type="checkbox"/> Application <input checked="" type="checkbox"/> Declaration <input checked="" type="checkbox"/> Drawings (FORMAL) <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Response to OA <input type="checkbox"/> Amendment <input type="checkbox"/> Issue Fee <input checked="" type="checkbox"/> Other (see below)		DATE MAILED: JUNE 28, 2002
<input checked="" type="checkbox"/> PETITION UNDER 37 CFR §1.137(b) TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION		Serial No. 09/896,897
<input type="checkbox"/>		Docket No. ENZ-60
<input type="checkbox"/>		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Elazar Rabbani et al.)

Serial No. 09/896,897)

Filed: June 30, 2001)

Title: NOVEL COMPOSITIONS AND PROCESSES)
FOR ANALYTE DETECTION,)
QUANTIFICATION AND AMPLIFICATION)

Group Art Unit: Not Yet Known

Examiner: Not Yet Known

527 Madison Avenue, 9th Floor
New York, New York 10022
June 28, 2002

FILED BY EXPRESS MAIL

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Box DAC

Attention: Office of Deputy Assistant Commissioner for Patents
2121 Crystal Drive, Crystal Park 2 - Suite 913
Arlington, Virginia 22202

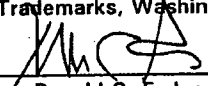
**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION**

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed. A response was originally due on December 12, 2001 to the Notice To File Missing Parts Of Nonprovisional Application Filed Under 37 CFR1.53(b) which issued October 12, 2001. A copy of the Notice To File Missing Parts Of Nonprovisional Application is attached to this Petition as Exhibit 1. Accompanying this Petition is a response in the form of an Oath (Exhibit 2), Assignment (Exhibit 3), Substitute Drawings (Exhibit 4), Sequence Listing (hard paper copy only – a duplicate hard copy and a computer-readable diskette are being sent concurrently to the U.S. Patent and Trademark Office, Box Sequence, PO Box 2327, Arlington, VA 22202 – (Exhibit 5)).

Elazar Rabbani et al.
Serial No. 09/896,897
Filed: June 30, 2001

Page 2 (Petition Under 37 C.F.R. §1.137(b) to Revive An Unintentionally
Abandoned Application - June 28, 2002)

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	<u>EL8312840880US</u>
Deposit Date	<u>June 28, 2002</u>
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.	
 Ronald C. Fedus Reg. No. 32,567	<u>JUNE 28 2002</u> Date

Elazar Rabbani et al.
Serial No. 09/896,897
Filed: June 30, 2001

Page 3 (Petition Under 37 C.F.R. §1.137(b) to Revive An Unintentionally
Abandoned Application – June 28, 2002)

Accordingly this Petition the accompanying response will be considered as having been timely filed.

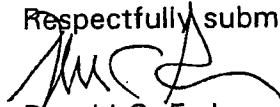
It is hereby requested that this application be revived because the delay in taking action was unintentional as was the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition was unintentional.

The fee for filing a Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b) is \$1,280.00. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite large entity fee of \$1,280.00. The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition or with the attached reply, including the statutory basic filing fee and additional claim fees.

A duplicate copy of this Petition but without attached Exhibits 2-5 is also submitted herewith.

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO LIFE SCIENCES, INC.
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Fl.)
New York, New York 10022
Telephone: (212) 583-0100
Fax: (212) 583-0150

EXHIBIT D

USPTO Decision on Petition
under 37 CFR 1.137(b)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 11

ENZO Biochem Inc.
527 Madison Avenue, 9th Floor
New York, NY 10022

COPY MAILED

FEB 19 2003

OFFICE OF PETITIONS

ON PETITION

In re Application of
Elazar Rabani et al.
Application No. 09/896,897
Filed: June 30, 2001
Attorney Docket No. Enz-60

This is a decision on the petition under 37 CFR 1.137(b), filed June 28, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed October 12, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 13, 2001.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

EXHIBIT E

Office Action of
March 2, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

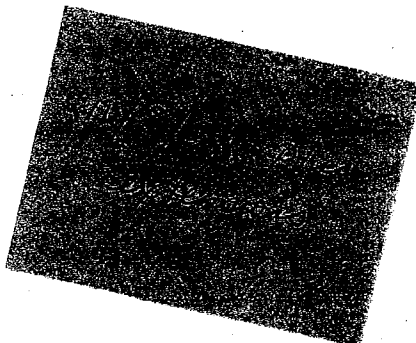
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,897	06/30/2001	Elazar Rabani	Enz-60	1538
28171	7590	03/02/2005	EXAMINER	
ENZO BIOCHEM, INC. 527 MADISON AVENUE (9TH FLOOR) NEW YORK, NY 10022			TUNG, JOYCE	
			ART UNIT	PAPER NUMBER
			1637	

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*Last day to
respond:
9/2/05*



Office Action Summary

Application No.

09/896,897

Applicant(s)

RABANI ET AL.

Examiner

Joyce Tung

Art Unit

1637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40, 953 and 954 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 and 953 and 954 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

EXHIBIT F

Notice of Abandonment
of November 15, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,897	06/30/2001	Elazar Rabani	Enz-60	1538
28171	7590	11/15/2005	EXAMINER	
ENZO BIOCHEM, INC. 527 MADISON AVENUE (9TH FLOOR) NEW YORK, NY 10022			TUNG, JOYCE	
			ART UNIT	PAPER NUMBER

1637

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/896,897

Examiner

Joyce Tung

Applicant(s)

RABANI ET AL.

Art Unit

1637

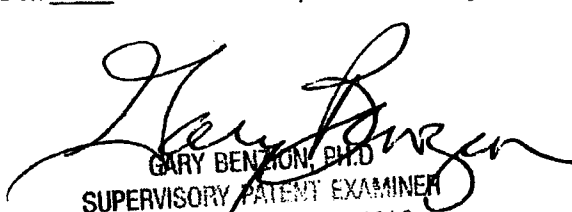
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 March 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 9/2/2005, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


GARY BENTON, PH.D.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXHIBIT G

Petition to Revive an
Unintentionally Abandoned
Application under 37 CFR
1.137(b)

Auto-Reply Facsimile Transmission



TO: Fax Sender at 2125830150

Fax Information

Date Received:

Total Pages:

11/29/2005 7:23:18 PM [Eastern Standard Time]

9 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

NOV. 29. 2005 7:24 PM ENZO BIOCHEM

VO. 7347 P. 1

RESPONSE UNDER 37 C.F.R. 11.116
EXPEDITED RESPONSE
GROUP ART UNIT 1637

Attorney Docket No.: Enz-60

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Elazar Rabbani et al.
Serial No.: 09/896,887 Group Art Unit: 1637
Filed: June 30, 2001 Examiner: Joyce Tung
For: COMPOSITIONS COMPRISING A LIBRARY OF ANALYTES
FOR DETECTION, QUANTIFICATION AND ANALYSIS
Confirmation No.:

CERTIFICATE OF FACSIMILE TRANSMISSION

Mall Stop - Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

I hereby certify that the attached correspondence (total of 9 pages including this sheet) comprising:

- (1) Communication Accompanying Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 C.F.R. 51.137(b);
- (2) Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 C.F.R. 51.137(b); and
- (3) Notice of Appeal

was sent to the United States Patent and Trademark Office by telefax to (571) 273-8300.

Respectfully submitted,


Ronald C. Fedus
Reg. No. 32,567
Attorney for Applicants

Date: November 29, 2005

Enzo Life Sciences, Inc.
c/o Enzo Biochem, Inc.
527 Madison Avenue, 9th Floor
New York, NY 10022-4304
Telephone (212) 583-0100
Facsimile (212) 583-0150

Enz-60

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
Enz-60

First named inventor: Elazar Rabbani et al.

Application No.: 09/896,897

Art Unit: 1637

Filed: September 2, 2005

Examiner: Joyce Tung

Title: COMPOSITIONS COMPRISING A LIBRARY OF ANALYTES FOR DETECTION.
QUANTIFICATION AND ANALYSES

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an Amendment. A Notice of Appeal is enclosed herewith. (identify type of reply):

- ☒ has been filed previously on September 2, 2005.
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

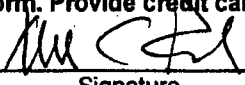
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

<p><u></u> Signature</p> <p><u>Ronald C. Fedus</u> Typed or printed name</p> <p><u>Enzo Life Sciences, Inc.</u> Address</p> <p><u>527 Madison Avenue, 9th Floor, New York, NY 10022</u> Address</p>	<p><u>November 29, 2005</u> Date</p> <p><u>32,567</u> Registration Number, if applicable</p> <p><u>212-583-0100</u> Telephone Number</p>
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Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

November 29, 2005
Date


Signature

Ronald C. Fedus
Typed or printed name of person signing certificate

EXHIBIT H

USPTO Decision on Petition
under 37 CFR 1.137(b)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK, NY 10022

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FEB 13 2006

OFFICE OF PETITIONS

In re Application of
Elazar Rabani, et al.
Application No. 09/896,897
Filed: June 30, 2001
Attorney Docket No. Enz-60

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 29, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed March 2, 2005, which set a shortened statutory period for reply of three (3) months. A three-months extension of time under the provisions of 37 CFR 1.136(a) was obtained. An Advisory action was mailed October 12, 2005 indicating that the reply filed on September 2, 2005 failed to place the application in condition for allowance. Accordingly, the application became abandoned at midnight on September 2, 2005.

The statement claiming small entity status in accordance with 37 CFR 1.27 embodied in the petition under 37 CFR 1.137(b) has been made of record and small entity status has been accorded.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of \$750; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being referred to Technology Center 1600, Art Unit 1637 for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions